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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,061	01/30/2001	Neal A. Osborn	PALM-3285.US.P	6019
49637	7590	04/21/2006		
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EXAMINER PAN, YUWEN	
			ART UNIT 2618	PAPER NUMBER

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/773,061	Applicant(s) OSBORN ET AL.	
	Examiner Yuwen Pan	Art Unit 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*Response to Arguments*

1. Applicant's arguments filed 2/27/06 have been fully considered but they are not persuasive.

The applicant argues that newly amended claims overcome the previous rejection. Especially, prior art of record, combination of Bell and Kobayashi, doesn't teaches a "displaying a message indicating at least one user selection" The examiner respectfully disagrees. First of all, although Bell teaches that during an automatic virtual business card swapping between at least two users requires users' interaction by entering PIN codes in which kind of discontinuing the automation, by entering PIN codes is just an additional feature, a safe guard, for users. In addition, it is well known that any high level command in which requires a user's attend or acknowledgement would catch the user's attention by e.g. automatic displaying during communication by the device since such operation are clearly not performed manually by the user. Also, without this safe guard, the users are still able to swap information to each other.

Furthermore, although Bell teaches the user interface and display (see figure 2 and items 28 and 29, column 5 and lines 25-40), Bell is silent on display a message indicating an output to notify the user. Without bringing the second reference, it is obvious for a user device to notify the user when there is an incoming message or command or user input, etc. In order for the user to be aware of, the user device certainly would display something or making a sound. From examiner point of view, display message to notify user is pretty much well known in the art. Plus, Kobayashi reference is one of hundreds and thousands of inventions has such feature to display an outcome on the user device's display when an incoming message is arrived at the user device's terminal. Furthermore, Kobayashi teaches not only to manipulate software in a second

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device by the a first device but also the second device would send outcome of such manipulation back to first device and the first device would display the results.

In addition the obvious type of double patent is maintained since the applicant haven't filed the terminal disclaimer yet. Therefore, based on forgoing reasons, the previous rejection stands.

## DETAILED ACTION

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,826,387 (hereinafter '387).

Although the conflicting claims are not identical, they are not patentably distinct from each other because patent '387 and current application claim a wireless network comprising a method of at least two electronic wireless devices in which access file or application from each other. The method comprises steps of establishing a wireless connection between the two electronic wireless devices and exchange file or application between them.

### *Claim Rejections - 35 USC § 103*

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US006600902B1) in view of Kobayashi (US006633759B1).

Per claim 1 and 8, 14, Bell discloses a method of communicating information comprising the steps of:

Communicating a first electronic business card from a first electronic device to a second electronic device using a wireless communication mechanism (see figure 3 and items 31-43, column 5 and lines 10-23);

Said second electronic device receiving said first electronic business card (see figure 3 and items 46);

Responsive to said user selection, said second electronic device storing said first electronic business card and automatically communicating a second electronic business card to said first electronic device (see column 6 and lines 45-65).

One portable electronic device (see figure 2 and item 3) comprising:

A processor coupled to a bus (see figure 2 and item 24);

A transmitter and a receiver (see figure 2 and items 20-23);

A display screen (see figure 2 and item 28);

A memory coupled to said bus and comprising instructions that implement a method of communicating information (see figure 2 and item 25 and 26).

Bell doesn't teach that in response to previous step, said second electronic device automatically displaying a message indicating a user selection.

Kobayashi teaches that in response to previous step, said second electronic device automatically displaying a message indicating a user selection (see figure 8 and lines 15-35).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Kobayshi with Bell's method such that it permits a user to interact with the exchanging information by selecting one of the options.

Per claims 2, 3 and 9,10, 15,16, Bell further discloses said wireless communication mechanism is infrared communication and substantially compatible with a Bluetooth communication protocol (see column 4 and lines 48-53).

Per claims 4,11, 17, Bell further discloses first and second electronic devices are both palm-sized computer (see column 4 and lines 46).

Per claims 5 and 6, Bell further discloses calendar information and an electronic business card (see column 3 and lines 30-33).

Per claim 7, Bell further discloses data base files (see figure 2, item 27).

Per claims 12 and 18, Bell further discloses that said first electronic business card represents an owner of said first electronic device and wherein said second electronic business card represents an owner of said second electronic device (see column 5 and lines 59-65).

Per claim 13 and 19, Bell further discloses the step of said second electronic device allowing a user to select between: 1) accepting said first electronic business card; 2) rejecting said first electronic business card; and 3) accepting said first electronic business card and automatically transmitting said second electronic business card (see column 6 and lines 46-65). With respect to claim 20, Bell further discloses that said display screen is a liquid crystal display screen (see figure 2 and item 28).

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yuwen Pan  
April 18, 2006



Matthew Anderson  
SPE 2618